

Town of Framingham

Start Smart: Guide to the Permitting Process



April 2010

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IMPORTANT

This guide is for information only. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases, you will need professional help in such areas as land survey, engineering or law.

Although every effort has been made to ensure accuracy and completeness, the list of permits and procedures contained in this guide is not guaranteed to be all-inclusive. Permitting procedures, fees and times are subject to periodic review and change. Any errors and omissions in this guide will not relieve the property of the responsibility, obligation or liability in fulfilling all of these legal requirements. Fees quoted here are as of April 1, 2010 and are subject to change without notice. Please check with the appropriate department, board or office to confirm fees.

Introduction

The purpose of this guidebook is to assist property owners, developers, brokers and contractors who want to develop land within the Town of Framingham. Our intent is to streamline permitting by providing clear, easy-to-follow procedures that outline the development review process.

This guidebook is not all-inclusive with regard to necessary approvals and permits that may be required for a particular project, but it does provide a basic overview of the Town's development review and permitting process.

The permits you will need and their accompanying procedures will depend upon the type of development you plan to undertake. As a general rule, all permits require payment of fees. The permit fees listed on Pages 12 and 13 are effective as of April 1, 2010, and the most current fee schedules for each permit or procedure are available at each permit and license office.

The Town makes every effort to minimize the processing time for permits. However, processing permits does take time. As with anything, proper planning, research and communication with the Town will help you anticipate and avoid potential problems and delays. We encourage you to contact the Town as early in the planning process as possible. If your project is complex and involved, you may consider hiring outside professionals such as architects, engineers, or other consultants to assist you. You will most likely find out that the extra effort you made to hire qualified people experienced in successfully processing permits will save you time and money in the long run.

For information on licensing, please refer to the Town of Framingham's [Start Smart: Small Business Guide to Licensing and Permitting](http://www.framinghamma.gov/startsmartguides) (www.framinghamma.gov/startsmartguides).

If you have any questions, we encourage you to contact the Community and Economic Development Division by calling (508) 532-5455 or by e-mailing planning.department@framinghamma.gov.

Glossary of Terms

Allowed As-of-Right - Projects that do not require special relief from the Zoning Bylaw.

Certificate of Occupancy – Authorization from the Building Commissioner to inhabit or use the premises.

Change of Use – An alteration of part or all of an existing structure from one use category to another.

Special Permit – Authorization to introduce a specified use allowed by the Zoning Bylaw in a specific location.

Site Plan Approval – Authorization to proceed with a plan that details the development of a site (access/egress, pedestrian access, parking, building design and location, lighting, landscaping, screening, etc.).

Subdivision Approval – The division of a tract of land into two or more lots when the construction of a new roadway is involved.

Variance – Relief from certain dimensional and/or use requirements of the Zoning Bylaw.

Additional definitions are provided in the Town's Zoning Bylaws (Section I E).

Town Departments, Boards and Staff

Department of Building & Wire:

This office will usually be your first contact with the Town when seeking information concerning the development approval process. The Division's Inspectional Services Department will be able to advise you if your proposed development plans may be approved as-of-right, or if potential relief is available via a Special Permit and/or Site Plan Approval from the Planning Board or a Special Permit or Variance from the Zoning Board of Appeals. They will reference the provision of the Zoning Bylaw that applies to your proposed plan and offer direction on where to go from there. The Department is the permit granting authority for all signs, buildings, certificates of occupancy, gas, plumbing and electrical work. The Department's page on the Town's website allows you to track your permit application through the approval process. The Department is part of the inter-municipal review team that reviews all large-scale development plans.

Location: Room 203 in the Memorial Building

Hours: 8:30 AM to 5:00 PM Monday through Friday

The Building, Wiring and Plumbing Inspectors have office hours from 8:30-9:30 AM and 4:00-5:00 PM.

Phone: 508-532-5500

Here is a link to the Department of Building and Wire's web page:

(<http://www.framinghamma.gov/index.aspx?NID=127>)

Planning Board:

The Planning Board is the approval authority for site plans, subdivision plans and a variety of Special Permits. The Board has professional staff available during Town Hall business hours to assist potential applicants. Planning Board staff participate on the project review team that reviews all large-scale development plans.

Location: Room B-37 in the basement of the Memorial Building

Hours: 8:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5450

Here is a link to the Planning Board's web page: (<http://www.framinghamma.gov/index.aspx?NID=69>)

Zoning Board of Appeals:

The Zoning Board of Appeals serves as the approval authority for a variety of Special Permits. In addition, development proposals that do not meet the standards of the Town's Zoning Bylaw (whether because of the property's proposed use or the dimensions of the lot and/or the building) may seek relief from the Zoning Board of Appeals by requesting a variance from the standards of the Zoning Bylaw. The Zoning Board Administrator participates on the project review team that reviews all large-scale development plans.

Location: Room B-2 in the basement of the Memorial Building

Hours: 8:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5455

Here is a link to the Zoning Board's web page: (<http://www.framinghamma.gov/index.aspx?NID=230>)

Town Departments, Boards and Staff

Communi-

nity and Economic Development Division:

Division personnel serve as support staff for the Zoning Board of Appeals, Agricultural Advisory Committee and the Economic Development Industrial Corporation (EDIC). The Division works on special projects and grants covering a variety of planning issues such as: economic development, housing, transportation, rail trail projects, environmental planning, long-range planning, zoning and land use. The Division is responsible for the preparation of this development guide. The Division is part of the inter-municipal review team that reviews all large-scale development plans.

Location: Room B-2 in the basement of the Memorial Building

Hours: 8:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5455

Here is a link to the Division's web page: (<http://www.framinghamma.gov/index.aspx?NID=103>)

Conservation Commission:

The Conservation Commission is responsible for reviewing and permitting all projects in or near wetlands, ponds, and rivers in the Town of Framingham under the following laws:

- The Wetlands Protection Act
- The Rivers Protection Act
- The Framingham Wetlands Bylaw

A permit must be obtained for any construction, cutting, grading, or landscaping within 125 feet of wetlands or 200 feet of perennial streams. Staff participates in the project review team that reviews all large-scale development plans.

Location: Room 213 in the Memorial Building.

Hours: 9:00 AM to 5:00 PM Monday through Friday

Phone: 508-532-5460

Here is a link to the Conservation Commission's web page: (<http://www.framinghamma.gov/index.aspx?NID=137>)

Public Works Department:

The Public Works Department is responsible for the maintenance and management of the Town's infrastructure (roadways, water, sewer, etc.) and oversees and undertakes major infrastructure improvement projects. It is home to the Highway Department, Water Department, Sewer Department, Solid Waste Management Department, and Engineering Department. The Department is part of the inter-departmental review team that reviews all large-scale development plans.

Location: 100 Western Avenue

Hours: 8:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5600

Here is a link to the Department's web page: (<http://www.framinghamma.gov/index.aspx?NID=136>)

Town Departments, Boards and Staff

Police Department:

The Police Department is responsible for protecting and serving those who live, work and travel in Framingham. The Department enforces the Town's traffic and parking regulations, and offers a wide variety of public safety programs. The Department is part of the project review team that reviews all large-scale development proposals.

Location: 1 William Welch Way

Hours: 24 hours a day. Records Division is open from 9:00 AM to 3:30 PM Monday through Friday

Phone: 508-532-5450

Here is a link to the Police Department's web page: (<http://www.framinghamma.gov/index.aspx?NID=135>)

Fire Department:

The Fire Department is responsible for protecting Framingham residents, businesses and institutions from loss of life and property from the ravages of fire. The Department also responds to medical emergencies, hazardous material incidents, water problems, and other calls for assistance. The Department's Fire Prevention Division offers safety education, code enforcement, and inspections. The Fire Department is part of the project review team that reviews all large-scale development proposals.

Location: Headquarters are located at 10 Loring Drive

Hours: 24 hours a day. Records Division is open from 7:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5930

Here is a link to the Fire Department's web page: (<http://www.framinghamma.gov/index.aspx?NID=335>)

Town Departments, Boards and Staff

Town Clerk:

All applications to the Planning Board and Zoning Board are filed with the Town Clerk's office and certified by the Town Clerk. All Planning Board and Zoning Board final decisions are also filed with the Town Clerk's office.

Location: Room 105 in the Memorial Building.

Hours: 8:30 AM to 5:00 PM Monday through Friday

Phone: 508-532-5520

Here is a link to the Conservation Commission's web page:

(<http://www.framinghamma.gov/index.aspx?NID=215>)

Board of Health:

The Board of Health serves as an approval authority for kennels, the raising and keeping of animals, food service establishments, tobacco sales, tattoo and body piercing parlors, massage establishments and bathhouses. The Board also conducts housing code inspections, septic system inspections, inspections of public pools, and inspections of food service establishments. The Board works on a variety of health-related issues, such as: environmental health, sanitation, mosquito control, tuberculosis, communicable diseases, and emergency preparedness. The Board offers a variety of programs, including: a public nurse program, mobile health clinics, dermatology clinics, flu clinics, immunizations, health screening, a walking program, and others.

Location: Room 221 in the Memorial Building.

Hours: Tuesdays 8:30 am - 8:00 pm, and Monday through Friday 8:30 am - 5:00 pm.

Phone: (508) 532-5470

Here is a link to the Board of Health's web page: (<http://www.framinghamma.gov/index.aspx?NID=290>)

Preparing Your Project Proposal

Preliminary Research – Learn the Details About Your Property

Your first step is to learn the details about your property: its address, parcel size, zoning district, current use, building size, etc. Framingham's Town website has a handy mapping tool that allows you to call up a map of your property and get its details. A link to the mapping tool can be found at: (<http://www.framinghamma.gov/index.aspx?NID=93>).

Simply click on the link, agree to the terms of data use, type in the street address of your property, then hit the “search” button. You will then see a map of your property along with a button that says, “select additional information”. This button allows you to call up property information, the property's permit history, nearby businesses, parks, schools, transit facilities and historic resources. It is a good idea to print out the map of your property along with its property information.

Preliminary Research – Learn About Framingham's Zoning

Once you know the zoning district in which your property is located, you can review Framingham's Zoning Bylaw to determine if your proposed project would be allowed there. Section III of the Zoning Bylaw lists the permitted uses and dimensional requirements of each zoning district. A link to the Zoning Bylaw can be found here: (<http://www.framinghamma.gov/DocumentView.aspx?DID=2839>). Navigate the .pdf to Section III.

Depending on the zoning district in which your property is located, the Bylaw may refer you to the permitted uses for the previous zoning district. **Regardless of the results of your research, you should contact the Building Commissioner in the Building and Wire Department. As the Zoning Enforcement Agent for the Town, the Building Commissioner makes the final determination as to the zone in which your property is located, the uses allowed on your property, what you will need to secure a Building Permit, and what regulatory process you will need to pursue.**

Preliminary Contact

Before spending a large amount of time and money developing a project proposal, you should first contact the Building and Wire Department. Call the Department and make an appointment to review your proposal with appropriate personnel . Bring a map of your property (the version from the Town's Map Inquiry is acceptable) together with its property information (street address, zoning district, lot size, building square footage, etc.). Personnel from the Building and Wire Department will be able to tell you if your project meets the Town's regulations, what permits are needed, and approximately how long the process will take.

Preparing Your Project Proposal (continued)

Determine Your Course of Action

Your project proposal will fall within one of four basic categories:

Allowed As-of-Right: If the project proposal meets all of the zoning requirements and does not need any Special Permits or variances, then the application may proceed to the next phase of the approval process.

Special Permits: Under the Zoning Bylaw, specific uses are allowed by Special Permit only. Circumstances determine if the Special Permit Granting Authority (SPGA) is the Planning Board or the Zoning Board of Appeals (ZBA).

Variance to the Zoning Bylaw: The Zoning Board of Appeals (ZBA) may grant a variance from the Framingham Zoning Bylaw if it determines that that all three of the criteria below have been met:

- a) a literal interpretation of the Bylaw would impose a substantial hardship, financial or otherwise;
- b) the hardship is owing to circumstances relating to the soil conditions, shape or topography affecting the land or structure in a special way, but not the zoning district in general; and
- c) relief may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent and purpose of the Bylaw.

Site Plan Approval: Depending on the size and scope of your development proposal, you may need to obtain Site Plan Approval from the Planning Board. Single-family homes do not require site plan approval. Most other uses require site plans including the creation, expansion, substantial alteration, or change in use of:

- a) all uses requiring a Special Permit;
- b) any business, commercial, industrial, or institutional use (except home occupations not requiring a Special Permit);
- c) any residential use of two or more units including subdivisions; and
- d) any site containing more than one principal use.

The Permit Process

By now you've met with the Building and Wire Department and have determined what approvals you need for your project as well as the process you need to undertake. You can now file your permit request with the appropriate approval authority. The following outline is a basic step-by-step explanation of the permit process:

1. Submit permit application to the appropriate approval authority for determination of completeness prior to submission to the Town Clerk for certification.
2. Attend public hearing and/or inter-departmental consultation to present the proposed project.
3. The approval authority renders a decision, which is filed with the Town Clerk and sent to the applicant. If the decision is favorable, you may then seek your remaining permits after a 20-day appeal period.
4. If necessary, record permits at the Registry of Deeds after the appeal period.
5. Apply for all other development related permits, approvals and licenses.
6. Upon receiving all necessary permits, approvals and licenses, apply to the Building and Wire Department for a Building Permit. Building permit applications are not deemed complete unless they include building plans, a plot plan, and copies of permits.
7. Schedule the required inspections with the Building Services Department during construction (electric, gas, plumbing, elevators and wetlands).
8. Upon completion of construction:
 - If the project impacts wetlands, , apply to the Conservation Commission for a Certificate of Compliance.
 - If the project is a subdivision, apply to the Planning Board for a Certificate of Completion for subdivision roads and utilities.
 - For all projects, apply to the Building and Wire Department for an Occupancy Permit.

List of Town Development-Related Permits

Agency:	Permit/Approval:	Needed For:	Fee:
Conservation Commission	Order of Conditions	Work within a resource area, riverfront area or buffer zone.	Starting at \$220.
Conservation Commission	Request for Determination of Applicability	Determining if project is subject to Wetland Bylaw.	\$100
Conservation Commission	Request for Certificate of Compliance	Ensuring compliance with Order of Conditions.	\$50
Department of Public Works	Public Way Access Permit	Creating access to an existing public way.	No charge
Department of Public Works	Street Opening Entry Fee	New or altered driveways on Town and State roads.	Varies depending on the size of the project
Department of Public Works	Excavation Permit	Digging trenches.	\$75
Department of Public Works	Sewer System Entry Fee	Tying into the municipal sewer system.	\$100 plus \$1,980 I&I per bedroom for residences; \$200 plus square foot multiplier for commercial enterprises.
Department of Public Works	Water System Entry Fee	Tying into the municipal water system.	\$1,400 for new residences. For commercial uses, the fee varies depending on the size of the project.
Department of Public Works	Stormwater Permit	New construction or renovation that introduces a new discharge or increases an existing discharge of stormwater.	No charge
Building and Wire Department	Demolition Permit	Demolishing an existing structure.	\$12 per \$1,000 of the cost of demolition for residential buildings, and \$15 per \$1,000 of the cost of demolition for commercial buildings.
Building and Wire Department	Building Permit	All new construction, additions and/or alterations.	\$12 per \$1,000 of the cost of demolition for residential buildings, and \$15 per \$1,000 of the cost of demolition for commercial buildings.
Building and Wire Department	Occupancy Permit	Occupying a new residential unit.	\$100 for dwelling unit or commercial unit.

Note: Fee schedule is subject to change. Please check with the applicable agency for their current permit fees.

Other Permits and Approvals

Most projects will require other permits related to the project but not issued under Zoning, Wetlands or Sub-division laws. These permits are called “Related Permits”. Related permits may be required by the Town, state or federal governments. The following is a summary of the most common related permits.

TOWN

Building and Wire Department – Inspections Division

During construction, the following utility and safety inspections shall be scheduled as required:

Electric:

Required prior to any electrical work; residential or non-residential.

Gas:

Required prior to any work; residential or non-residential .

Plumbing:

Required prior to any plumbing work; residential or non-residential

Board of Health / Director of Health

Title V:

Required for any construction of a new septic system or alteration of an existing septic system.

Food Retailers Permit:

Required for any new business that prepares and sells food on site.

Well Construction:

Required for any construction of a new well.

Fire Department

Permits, licenses and approvals are governed under Town bylaws and under MGL Chapter 148 and CMR 5127 for such uses as storage of hazardous materials/flammables, lumberyards, gasoline stations, and above and underground storage tanks.

Other Permits and Approvals (continued)

STATE

Curb Cut Permit:

Required by the Massachusetts Department of Transportation (MassDOT) for new or altered driveways on any State roadway.

Massachusetts Environmental Policy Act (MEPA):

The submission of an Environmental Notification Form (ENF) and Environmental Impact Report (EIR) required for “works, projects and activities” undertaken, funded or requiring a permit from state agencies if the project exceeds specified thresholds.

401 Water Quality Certification:

Required by the Massachusetts Department of Environmental Protection for any project that will alter over 5,000 square feet of wetlands and/or the dredging of more than 100 cubic yards of “Land Under Water”, as defined in the Massachusetts Wetlands Protection Act.

Forest Cutting Permit:

Landowners are required to file a Forest Cutting Plan with the Department of Environmental Management for the harvesting of forest products that exceeds specified thresholds.

Massachusetts Endangered Species Act (MESA):

A required filing with the Natural Heritage and Endangered Species Program (NHESP) if a project falls within Priority Habitat of Rare Species, as shown on the Massachusetts Natural Heritage Atlas, and does not meet the MESA filing exemptions.

FEDERAL

Section 404 of the Federal Clean Water Act:

A required filing with the Army Corps of Engineers for work affecting the “course, location, condition or capacity” of navigable rivers and tidal areas.

Stormwater Management:

General construction activities (including other land disturbing activities) that disturb one acre or more of land are regulated under the National Pollutant Discharge Elimination System (NPDES) and require a permit from the Environmental Protection Agency.

Available Resources

Town of Framingham Zoning Bylaw

Town of Framingham Subdivision Regulations

Please note that these documents are available on the Town's website:
(www.framinghamma.gov) on the Planning Board's Department page.

Town of Framingham Zoning Map

Hard copies of the above resources are available at the Planning Board office. Please note that there is a small fee to cover the Town's printing cost.

Town of Framingham's Start Smart: Small Business Guide to Licensing and Permitting

(www.framinghamma.gov/startsmartguides). Hard copies of this document are available at no cost in the Community and Economic Development office.

Property Maps and Tax Cards: (available at the Assessor's Office). You can also access property information on-line on the Town's website: (www.framinghamma.gov) by clicking on the "E-Services" link, then clicking on the "Map Inquiry" or "Property Inquiry" links.

Town Contact Information

Phone Numbers

Building Department	(508) 532-5500
Board of Health	(508) 532-5470
Board of Selectmen	(508) 532-5400
Conservation Commission	(508) 532-5460
Fire Department	(508) 620-4943
License Administration Office	(508) 532-5402
Planning Board	(508) 532-5450
Planning and Economic Development Division	(508) 532-5455
Department of Public Works	(508) 532-5600
Town Clerk	(508) 532-5520
Town Manager	(508) 532-5678
Treasurer	(508) 532-5430
Zoning Board of Appeals	(508) 532-5456
Weights and Measures	(508) 532-5480

Addresses

Framingham Memorial Building (Town Hall)
150 Concord Street

Framingham Police Station
1 William Welch Way (adjacent to the Memorial Building)

Framingham Fire Headquarters
10 Loring Drive

Department of Public Works
100 Western Avenue

List of Town Development-Related Permits

Agency	Permit/Approval	Needed For	Fee
Planning Board	Approval Not Required Plan (ANR)	Creating new lots on existing streets with sufficient frontage.	\$200
Planning Board	Subdivision Plans	Creating new lots on a new road.	\$1,000 for preliminary plans, \$1,500 plus \$300 per acre for definitive plans
Planning Board	Site Plan Approval	New or expanded Business.	Major Site Plan: \$2,000 plus \$0.06 per sq. ft. of gross floor area. Minor Site Plan and Site Plan Modification: \$1,000 and \$0.03 per sq. ft. of floor area.
Planning Board	Special Permits	Land uses of a certain Intensity.	\$500 per application and \$200 for concurrent applications. Modifications or extensions: \$200. Fee for PUD Special Permit: \$5,000 plus \$15 per unit at preliminary stage and \$35 per unit at definitive stage.
Planning Board	Land Disturbance Permit	Soil disturbance greater than 4,000 sq. ft.	\$500
Zoning Board	Variances	Uses and structures that do not comply with zoning standards.	\$250
Zoning Board	Special Permits	Land uses of a certain intensity.	\$300
Zoning Board	Comprehensive Permits	Residential projects developed under Chapter 40B.	First preliminary review is free, \$500 for subsequent preliminary reviews; definitive plan review fee is \$1,000 for 50 units or less and \$10 per unit over 50 (reduced fee for non-profits, public and local agencies).

Note: Fee schedule is subject to change. Please check with the applicable agency for their current permit fees.